



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

wherein the prize courts are only bound by national regulations, even when these are contrary to conventional or customary international law—with the British point of view, according to which the rules of international law are supreme (except over statute law?).

In the fourth chapter the author examines the attitude both of belligerents and of neutrals towards special questions, as opposed to the more general contents of Chapter II. Here a critical account is given of what the various governments held as to the time during which the right of capture can be exercised; as to the place where, and the organs by which it can be done; and as to the things which are subject to the exercise of this right. Separate paragraphs are devoted to the legal position of submarines, to reprisals, blockade, contraband, convoy, etc. In short, an exhaustive survey is given of the way in which the rules contained in special chapters of the law of war at sea were applied.

The book is completed by a post-scriptum relating to some points that arose while the book was in the press, and lists of abbreviations and of cases cited are added.

It certainly was not surprising to see the author of this valuable book succeed Professor De Louter, whose book on "Positive International Law" is well known in and outside The Netherlands, when the latter resigned the Utrecht chair of international law.

E. N. VAN KLEFFENS.

The War with Mexico. By Justin H. Smith. New York: The Macmillan Company, 1919. 2 vols., pp. xxi, 572; xiv, 620. \$10.00.

Mr. Smith's "Annexation of Texas," which appeared in 1911, is acknowledged to be the last word upon that subject,—not, of course, as the last word in interpretation, but definitive in results gained from such an examination of the archive material as really to be exhaustive. That work was an introduction to this larger one upon the Mexican War, which now appears in two volumes, comprising over seven hundred pages of text and half as many of compact notes.

A decade or more was spent in the preparation of these volumes, and when one reads of the mass of materials examined the years of preparation we know to have been busy years. The author's intention was "to obtain substantially all the valuable information

regarding" the subject "that is in existence and no effort was spared to reach his end. . . . By special authorization from the Presidents of the United States and Mexico it was possible to examine *every pertinent document* [italics mine] belonging to the two governments. The search extended to the archives of Great Britain, France, Spain, Cuba, Colombia and Peru, those of the American and Mexican States, and those of Mexican cities. The principal libraries here, in Mexico and in Europe, the collections of our historical societies, and papers belonging to many individuals in this country and elsewhere were sifted. It may safely be estimated that the author examined personally more than 100,000 manuscripts bearing upon the subject, more than 1,200 books and pamphlets, and also more than 200 periodicals, the most important of which were studied, issue by issue, for the entire period." Nine-tenths of this material, we are not surprised to learn, was "new." Not content with paper investigations, he spent more than a year in Mexico, studying the battle-fields and, quite as important, becoming acquainted with the character and psychology of the Mexican people.

Judgment as to the causes and the occasion of the Mexican War, as well as upon its authors and supporters, was long since, indeed immediately, rendered: Whig judgment, anti-slavery judgment, and, not the least effective, literary judgment, in the Bigelow Papers. Mr. Smith's view at the outset of his special task coincided, he tells us, substantially with that prevailing in New England. He undertook the subject because he felt that it had not been studied thoroughly. So far as concerns the military side of the narrative, it will be dismissed here with the remark that those even specially interested will find the strategy and logistics of the various campaigns so carefully described and documentally checked as to render suspicious all previous accounts of them. Especially is this the case with Ripley's which Mr. Smith shows to have been an *apologia* for Polk's bosom friend, the shallow and intriguing Pillow, the better part of whose valor cannot even be dignified with the quality of discretion. One does not wonder after reading about this man that Grant, having taken his measure in the Mexican War, held him in contempt when the two were afterwards upon opposing sides.

Bearing in mind the author's prepossessions and the nature and scope of his investigations, when and how does he emerge, what conclusions does he reach? "As a particular consequence of this full

inquiry," he tells us, "an episode that has been regarded both in the United States and abroad as discreditable to us, appears now to wear quite a different complexion. . . . It is believed that new opinions, resting upon facts, will be acceptable now in place of opinions resting largely upon traditional prejudices and misinformation."

True it is that we are now in a better position than ever before to re-examine the question of the Mexican War, for, in the first place, so long an interval has elapsed since the end of the slavery conflict that we can now discuss ante-bellum matters with some degree of objectivity and detachment; and, in the second place, we have learned enough of Mexican conditions during the past ten years, if not to estimate their present situation as normal rather than the reverse, at least in the light of recent occurrences to look more sympathetically upon the policy of the United States toward Mexico from 1825 to 1846.

Distinguishing, therefore, between the causes and the occasion of the Mexican War, Mr. Smith shows that the former lay in the essentially opposite characteristics of the two nations: opposite in race, language, traditions, background, institutions, ideals, and methods. This was a matter of deeper historical foundation than could be shown in a work on the Mexican War. The fact is that since about 1810 the United States has had a southern frontier beyond which lay anarchy, except for the few years of rigid rule in Mexico under Diaz. This gives us the underlying cause of the Mexican War. The old idea that expansion to the southwest was for the purpose of extending the area of slavery is now generally discarded. Mr. Smith presents enough additional evidence in this and in his volume on Texas completely to confirm this later judgment. That the United States had long-standing grievances against Mexico, that an adventurous and hardy population breathed a spirit of national expansion, and that all resulted in war and in a consequent accession of a vast domain reaching to the Pacific, permits a judgment as to facts, possibly a judgment as to the accord of fact with "national tendencies," with "Mommsen's Law," perhaps as the late Charles Francis Adams would have had us think. It may or may not, according to the point of view, involve a moral judgment. The fact that California under the American system is what it has become, while Mexico is in anarchy, hardly provides the basis for a moral judgment as to what went on in 1846. Nor does the fact that no one would now undo the work of the Mexican War provide such a basis.

The occasion for the Mexican War was a matter and opportunity for conscious choice on the part of those who were at the time responsible for the conduct of government. As to these choices and actions we have a right to a judgment in the light of the evidence. This judgment may be either political, or moral, or both. Was it expedient? Was it right? Was it both? According to the point of view one may ask, was the Mexican War the result of the annexation of Texas? Mr. Smith states that the evidence is overwhelming for an affirmative answer. One is timid in venturing to challenge his conclusion. On the face of it, however, one may be permitted to ask this question: If Polk had been willing to settle with Mexico the question of Texas without reference to further expansion [he joined the two in his instructions to Slidell in November, 1845, or earlier], could he not have done so? The ulterior motive of the Slidell mission Mr. Smith does not seem to explain away. California lay beyond and Polk wanted it. This still appears as the prime occasion of the Mexican War. The author's final conclusion is that "while ours could perhaps be called a war *of* conquest, it was not a war *for* conquest—the really vital point. We found it necessary to require territory, for otherwise our claims and indemnity could not be paid. The conflict was forced upon us; yet we refused to take advantage of our opportunity" by not taking more, and paying less than we did. "The primary law is that all shall move forward and coöperate in achieving the general destiny. Like individuals, every nation must run its course to the best of its ability, and if it grossly flags, pay the penalty. In the absence of any other tribunal war must enforce this penalty."

In justification of this conclusion Mr. Smith insists that it should be taken in the large, broad way, specifically stating: "(1), the territory was wanted in payment of what was justly due us, and therefore we could rightfully collect, and that Mexico could pay us only in land was not our fault; (2), the war was not entered into by us for the purpose of obtaining territory; and (3), it was not 'begun' by the United States." Thus Mr. Smith adopts practically *in toto* the position of Polk himself. That in a nutshell was the Polk theory, a theory which naturally leads to an inquiry as to the personal qualities of Polk. The author certainly gives us no favorable impression of Polk. He properly acquits him of the old charge of mendacity, if by mendacity one means direct lying. Further he

would have us believe that Polk was in talent if not by inclination ill adapted for intrigue. The test here is rather one of success. What must one say of the Atocha conversations, of the scheme to allow Santa Anna to return from exile into Mexico so as to make peace in accordance with Polk's plans, or of the mission of Moses Y. Beach? In the last was the strange spectacle presented of an attempt to gain our ends by means of an alliance with the clerical elements in Mexico. Farías, heroic, the "noblest person in Mexico," had to be deposed. "Who was the mysterious person, overwhelming the government of Mexico with darkness and confusion at this critical hour? He was Moses Y. Beach, agent of the American State Department and adviser to the Mexican hierarchy!" (II, 13.) Yet we are told that II, 293) "all the actors were vessels of clay, like the rest of us. But in reality the least creditable phase was the conduct of the [Whig] opposition." The Wilmot Proviso was "unnecessary and unwise." (II, 286.) Lincoln's speech against the war was an immature effort made for the purpose of "distinguishing himself before the home-folks." (II, 277.)

Mr. Smith seems to prove too much. If the United States were forced to enter a war of conquest, one wishes that the particular instrument might not have been a president like Polk, hard, narrow, suspicious, secretive, stubborn, grossly partisan, and intolerant,—yes, mean, who no doubt found his religious and predestinarian ideas a support to his state policies and not incompatible with the use of vessels of clay or baser material (Atocha, Santa Anna, Beach, Pillow), which Providence had seemed to put into his hands. To talk about natural laws in the domain of politics or of international affairs is hazardous, but if one generalization may be allowed, it is that a leader, conscious of his own rectitude, who seeks to achieve what he conceives to be his nation's destiny by means of secret diplomacy, is dangerous not only to his country but to the peace of the world. Especially so is such a leader when he wields the powers which the Constitution gives to the President of the United States.

It is not intended by the above to detract from the greater values of the volumes. Certainly what has been said was in no captious spirit, for the work is a great one. The task was seriously undertaken and conscientiously performed. The labors in the collecting and digesting of materials were enormous, the care in final preparation adequate to the long preliminary effort. One would be presumptuous to assail the accuracy of his definitive narrative, in the face of

the wealth of authorities with which, generally by citation, sometimes by quotation, the author buttresses every position taken. He has resolutely determined to be fair and open-minded. But as to his application of this rigorous determination, the reviewer cannot escape the impression that in matters of larger interpretation he has leaned over backwards. Nevertheless, this work upon the Mexican War is the most noteworthy contribution ever made. Many a long day must elapse before any one will venture upon so prolonged an excursion into the field. In every attempt Mr. Smith's work must now be the starting point. For many it will also be the terminus.

J. S. REEVES.

Le Blocus Pacifique. By Horst P. Faleke. Translated into French from the German by Ant. Contat. Leipsig: Rossberg'sche Verlagsbuchhandlung. 1919, pp. 316.

The work before us appeared in its original German text in several installments quite removed from each other, running from 1891 to the year just past, the present edition being the first entire one of these several fragments.

The author, for the first 222 pages of his publication, discusses the various affairs to which the name of "Pacific Blockade" has been attached, from the time of the Anglo-French-Russian naval intervention during the insurrection of the Greeks against Turkey in 1827, to the blockade of Vera Cruz in 1914 and of Greece in 1916-17. The details of all of these blockades are worked out by the author with a very great deal of care. We do not know any work covering the subject anywhere with completeness approaching that of the author.

The second part of the publication discusses the theory of Pacific Blockade with relation to international law, and its effects in the forms now practiced, concluding with an examination as to its probable development in the future.

It is difficult to differ from the belief so often expressed by many writers that the expression "Pacific Blockade" is a misnomer; that in point of fact an act of war is meant. In every case it is safe to say war would be the result if the party against which the blockade is directed were sufficiently powerful to risk the issue. As it is, this sort of blockade is a method simply by which a stronger party uses